

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JESSAMINE-SOUTH	)	
ELKHORN WATER DISTRICT FOR A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	2014-00084
NECESSITY TO CONSTRUCT AND FINANCE A	)	
WATERWORKS IMPROVEMENT PROJECT	)	
PURSUANT TO KRS 278.020 AND 278.300	)	

ORDER

Jessamine-South Elkhorn Water District ("JSEWD") currently has three motions pending before the Commission: Motion to Incorporate Documents filed February 4, 2015; Motion to Take Administrative Notice filed April 8, 2015; and Objection and Motion to Strike filed April 21, 2015.

Motion to Incorporate Documents

JSEWD moved to incorporate by reference the following documents:

- Case No. 2005-00546, Application of Kentucky-American Water Company for a Determination by the Public Service Commission of the Adequacy of Its Water Storage Capacity Analysis Dated December 21, 2005 and for a Deviation from 807 KAR 5:066, Section 4(4), Until December 31, 2020, Pursuant to 807 KAR 5:066, Section 18, filed December 22, 2005.
- Kentucky-American Water Company Storage Analysis dated November 15, 2002 filed in Case No. 2004-00254, Application of Kentucky-American Water Company for a Certificate of Public Convenience and Necessity Authorizing the

Construction of a One (1) Million Gallon Ground Storage Tank and Pump Station, filed July 23, 2004.

Forest Hills Residents' Association, Inc. ("Forest Hills") filed a Response to the Motion to Incorporate Documents on February 6, 2015. That same day, JSEWD filed a Reply to Forest Hills' Response to Motion to Incorporate Documents. The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("AG"), did not file a response to JSEWD's Motion to Incorporate Documents.

During the evidentiary hearing held on February 10 and 11, 2014, the Commission heard JSEWD's February 4, 2015 Motion to Incorporate Documents. The Commission sustained JSEWD's motion, admitted the documents, and indicated that the documents would receive the weight they deserve.<sup>1</sup>

#### Motion to Take Administrative Notice

JSEWD moved the Commission to take administrative notice of certain property records maintained by the Jessamine County Property Valuation Administrator. The records relate to certain properties located in the Forest Hills Estates subdivision. Forest Hills Estates subdivision is located next to the site where JSEWD proposes to construct a 750,000 gallon elevated water storage tank. Neither the AG nor Forest Hills filed a response to JSEWD's Motion to Take Administrative Notice of the property records.

According to Forest Hill's witness, E. Clark Toleman, construction of the 750,000 gallon elevated water storage tank next to the Forest Hills Estates subdivision will have

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<sup>1</sup> Video Recording of the February 10, 2015 Hearing, Transcript at 10:03:04–10:03:31.

a negative effect on the value of the homes in Forest Hills Estates subdivision.<sup>2</sup> JSEWD provided recent property records for 618 Burr Oak Road, 626 Burr Oak Road, and the report of sales on Burr Oak Road. Burr Oak Road is located in Forest Hills Estates subdivision.

The Commission finds that JSEWD's April 8, 2015 Motion to Take Administrative Notice should be granted.

#### Objection and Motion to Strike

JSEWD objects and moves to strike certain portions of Forest Hills' Post-Hearing Brief ("Brief") filed on April 8, 2015. JSEWD avers that the Forest Hills' Brief contains testimony of its attorneys as well as attempts to offer expert analysis, opinions, and inferences.

The AG did not file a response to JSEWD's Objection and Motion to Strike. On April 24, 2015, Forest Hills filed a response to JSEWD's Objection and Motion to Strike. Forest Hills avers that its April 8, 2015 Brief contains proper analysis and advocacy of its positions.

The Commission finds that JSEWD's April 21, 2015 Objection and Motion to Strike should be denied and Forest Hills' April 8, 2015 Brief should be given the weight it deserves.

IT IS THEREFORE ORDERED that:

1. JSEWD's February 4, 2015 Motion to Incorporate Documents is granted.
2. JSEWD's April 8, 2015 Motion to Take Administrative Notice is granted.
3. JSEWD's April 21, 2014 Objection and Motion to Strike is denied.

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<sup>2</sup> Direct Testimony of E. Clark Toleman (filed October 29, 2014) at 2.

By the Commission

ENTERED  
JUL 23 2015  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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